

**BACKGROUND ON ORD. 853-04, AMENDING OPEN SPACE REQUIREMENTS IN PUDS,
AND THE COMPANION 854-04**

MINUTES (EXCERPT) FROM 7/9/04 COUNCIL MEETING ON THIS ISSUE:

CITY OF SULTAN COUNCIL MEETING - July 9, 2004

Ordinance 853-04 Open Space Requirements in PUD's: Discussion was held regarding the time frame for expenditure of funds, allocation to impacted areas, need for a capital facility plan for parks, provisions in the ordinance that allow for negotiations with developers, determination of value of the land, and potential problems with lack of available space. Councilmember Boucher stated that the ordinance sounds like a good idea but in reality it will be a fiscal, legislative and political nightmare. It could create problems with other property owners, create developments with no or limited open space and no park, add more parks that the city can't afford to maintain and will remove property from the private sector and put into the public sector.

On a motion by Councilmember Flower, seconded by Councilmember Criswell, Ordinance 853-04, Open Space Requirements in PUD's, was adopted. Ayes - Criswell, Champeaux, Flower, Seehuus; Nay - Boucher, Boyd, Everett.

ORIGINAL AGENDA PACKET INFO ON THIS ISSUE, NEXT PAGE....

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: Action A-10

DATE: June 23, 2004

SUBJECT: Ordinance Number 853-04 Amending the Open Space Requirements in the Planned Unit Development (PUD) Zoning District to provide for the dedication of off-site property or a payment of funds to the City to develop comparable Open Space.

CONTACT PERSON: Rick Cisar, City Planner

SUMMARY: The Planning Commission conducted Public Hearings on May 18, 2004 and June 1, 2004 to consider the proposed Amendment to the Planned Unit Development Zoning District. Thereafter, the Commission on June 16, 2004 recommended Approval of Ordinance 853-04 by a 5 to 1 vote. This amendment allows a Developer, subject to City Council Approval, to donate land or provide funding for offsite open space areas/facilities in lieu of developing smaller on site tot lots and picnic areas within the subdivision. The Amendment would allow the City another option in acquiring larger land parcels to develop neighborhood parks. At the same time it would relieve Home Associations of maintenance and insurance responsibilities for the smaller tot lots and picnic facilities within their subdivision.

FISCAL IMPACT: None

RECOMMENDED ACTION: Introduction of Ordinance 853-04 on First Reading and pass onto Second Reading for Adoption.

COUNCIL ACTION:

DATE:

CITY OF SULTAN
SULTAN, WASHINGTON
ORDINANCE 853-04

**AN ORDINANCE OF THE CITY OF SULTAN CITY COUNCIL AMENDING SMC CHAPTER 16.10.140
B OPEN SPACE REQUIREMENTS TO PROVIDE FOR OFF-SITE DEDICATIONS OF
RECREATIONAL FACILITIES AND FINANCIAL CONTRIBUTIONS TO THE CITY PARK SYSTEM.**

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN DO ORDAIN AS FOLLOWS:

Section 1: SMC Chapter 16.10.140 OPEN SPACE REQUIREMENTS B. in hereby amended to read as follows:

B. All PUD's shall be required to provide Open Space in the amount of 20-percent of the gross land area of the site, in the minimum types specified in Subsection C of this Section, provided however, the City, the Hearing Examiner, and the City Council may reduce the amount of required Open Space to not less than 5-percent in the event that the Applicant shall offer to the City dedication of property off-site or a payment into the City Park System Improvement Fund that will provide the City comparable property, or the funds to acquire comparable Open Space. Should the City, Hearing Examiner, or City Council accept a payment into the fund, such monies shall be impaired and used for Park System Improvements or Open space acquisition, or refunded in the same manner and under the same terms as provided for in SMC Sections 16.112.110 and 16.112.120.

Section 2: Amendments or Modifications to a Final PUD shall follow the provision of Section 16.10.190.

Section 3: Repealer: Any and all other Ordinances or parts of Ordinances of the City of Sultan inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4: Severability: In any provisions of this Ordinance or its application to any person or circumstance are held invalid, the remainder of the Ordinance or applications of the provisions of the Ordinance to other person or circumstances is not affected.

Section 5: Effective Date: This Ordinance shall be in full force and effect five (5)-days after publication as required by law.

Regularly adopted by the Sultan City Council this _____ day of _____ 2004.

CITY OF SULTAN

By _____
Benjamin R. Tolson, Mayor

Attest:

By _____
Laura Koenig, City Clerk

Approved as to form:

By _____
Thom H. Graafstra, City Attorney

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: Action A-11

DATE: June 23, 2004

SUBJECT: Ordinance Number 854-04 Amending the Recreational and Open Space Standards to provide for the dedication of off-site property or a payment of funds to the City to develop comparable Open Space.

CONTACT PERSON: Rick Cisar, City Planner

SUMMARY: The Planning Commission conducted Public Hearings on May 18, 2004 and June 1, 2004 to consider the proposed Amendment to the Recreational and Open Space Standards. Thereafter, the Commission on June 16, 2004 recommended Approval of Ordinance 854-04 by a 5 to 1 Vote. This Amendment allows a Developer, subject to City Council Approval, to donate land or provide funding for offsite open space areas/ facilities in lieu of developing smaller on site tot lots and picnic areas within the subdivision. The Amendment would allow the City another option in acquiring larger land parcels to develop neighborhood parks. At the same time, it would relieve Home Associations of maintenance and insurance responsibilities for the smaller tot lots and picnic facilities within their subdivision.

FISCAL IMPACT: None

RECOMMENDED Introduction of Ordinance 854-04 on First Reading **ACTION:** and pass onto
Second Reading for Adoption.

COUNCIL ACTION:

DATE:

CITY OF SULTAN
SULTAN, WASHINGTON

ORDINANCE 854-04

AN ORDINANCE OF THE CITY OF SULTAN CITY COUNCIL AMENDING SMC SECTION 16.72.050 RECREATIONAL AND OPEN SPACE STANDARDS TO PROVIDE FOR OFF-SITE DEDICATIONS OF RECREATIONAL FACILITIES AND FINANCIAL CONTRIBUTIONS TO THE CITY PARK SYSTEM.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN DO ORDAIN AS FOLLOWS:

Section 1: SMC Section 16.72.050 Recreational and Open Space Standards SPACE STANDARDS REQUIREMENTS B. is hereby amended to read as follows:

16.72.050 Types of recreation facilities to be provided.

Each new development shall provide, at a minimum, facilities from the required list in Table 1 and a selection from the following list as stated from Table 1. The number of facilities that must be provided from this list shall be based on the number of dwelling units that are to be built in the development. Table 1 specifies the minimum number of facilities which must be provided. If, however, an Applicant wishes to provide Recreations Facilities in a manner that is not consistent with these standards, either by dedication or construction of improvements off-site, or by financial contribution, this shall be allowed, if in the opinion of the City, Hearing Examiner, and City Council, the proposed deviation from these standards will be equivalent to the requirements contained herein. Should a financial contribution be accepted it shall be used to fulfill goals and objectives of the recreational element of the Comprehensive Plan. Any financial contribution shall be received and deposited in the Park System Improvement Fund, but a separate record of all payments shall be maintained. Funds shall be expended to fulfill goals and objectives of the recreational element of the Comprehensive Plan., Section 2: Modifications to the approved preliminary or final plat or Binding Site plan shall follow the provisions outlined in sections 16.28.360, 16.28.470, or 21.06.100.

Section 3: Repealer: Any and all other Ordinances or parts of Ordinances of the City of Sultan inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4: Severability: In any provisions of this Ordinance or its application to any person or circumstance are held invalid, the remainder of the Ordinance or applications of the provisions of the Ordinance to other person or circumstances is not affected.

Section 5: Effective Date: This Ordinance shall be in full force and effect five days after publication as required by law.

Regularly adopted by the Sultan City Council this _____ day of _____ 2004.

By _____
Benjamin R. Tolson, Mayor

Attest:

By _____
Laura Koenig, City Clerk

Approved as to form:

By _____
Thom H. Graafstra, City Attorney